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From: O'Brien, Elisabeth (DPH)
Sent: Wednesday, January 11, 2012 2:54 PM
To: Salemi, Charles (DPH); Piro, Peter (DPH)
Cc: Nassif, Julianne (DPH); Lawler, Michael (DPH); Saunders, Della (DPH)
Subject: RE: Marijuana

Peter,

I additionally would like to make a distinction between marijuana possession cases and trafficking cases in cocaine, heroin and marijuana. There are MANDATORY MINIMUM SENTENCES beginning at 14 grams for coke/heroin and 50 POUNDS for marijuana. That is why those cases require greater attention to weight.

No such mandatory sentences exist for 28 grams of Class D marijuana so we don't need to treat those samples like trafficking cases which is what you are doing.

Also, we do not use the extrapolated net weight method for marijuana and haven't for at least two years. The weight that gets reported is only the net weight of the bags tested. We went to this method to avoid the situation you found yourself in.

Finally, of the samples that we have had in the past that contain many bags, when the chemist has only analyzed 10% or square root of the bags and only reported that net weight, none of those samples have been resubmitted to have more bags weighed.

Hope this clears things up a bit.

ELO

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From: Salemi, Charles (DPH)
Sent: Wednesday, January 11, 2012 1:25 PM
To: Piro, Peter (DPH)
Cc: Nassif, Julianne (DPH); O'Brien, Elisabeth (DPH); Lawler, Michael (DPH); Saunders, Della (DPH)
Subject: RE: Marijuana

Peter, Originally, when the marijuana law changed, we said we would test enough bags to insure a reported net weight of greater than 28 grams. However, after several months of doing this, we had a lab meeting and the chemists said that this was to time consuming. Betsy said that the feedback from the Police was that if there were multiple bags they were going to charge people with intent to distribute, no matter if the weight was greater or less than 28 grams. So at the lab meeting we said that for VM cases with many small bags (say 20-30), we would test the square root or ten percent and report the net weight of the several bags tested. No estimated net weight. I also said if any chemist had a problem with this, I would sign off on the card to the reduced sampling. If I am incorrect, we can address and correct. Thanks CBS

From: Piro, Peter (DPH)
Sent: Wednesday, January 11, 2012 8:47 AM
To: Salemi, Charles (DPH); Nassif, Julianne (DPH)
Subject: Marijuana

Hi Chuck and Julie,

This is the only memo I have concerning marijuana testing. If an additional memo exists I would greatly appreciate a copy. I've used the extrapolated net weight method if the net weight was clearly over 28 grams. At 28 grams my best judgment for the case we discussed

at the meeting was to weight and test all 21 bags. It didn't seem that unreasonable to me. (Painful but not unreasonable)

If we have time to address the marijuana matter I could use clarification on a few issues.

1. If the extrapolated net weight method is to be used for all multiple (> than 10) net weight situations that are at or above the threshold level.
2. The upper limit of testing the lab views to be reasonable if all the specimens are similar
3. When more than 10% of specimens are tested for non-trafficking distribution
4. If we still feel a GC is only necessary for samples over one pound

Peter Piro
GC/MS Laboratory Supervisor I
Department of Public Health
Hinton State Laboratory InstituteForensic Drug Laboratory, Rm 361
305 South Street
Jamaica Plain, Ma 02130
617-983-6634
Peter.Piro@state.ma.us

-----Original Message-----

From: DPH-ITS, Scanner (DPH) [<mailto:itsscanner@massmail.state.ma.us>]
Sent: Wednesday, January 11, 2012 7:22 AM
To: Piro, Peter (DPH)
Subject:

This E-mail was sent from "DPH-SLI-361-Scanner" (Aficio MP 3350B).

Scan Date: 01.11.2012 07:22:04 (-0500)
Queries to: itsscanner@massmail.state.ma.us